

2. The APCP, in consultation with the Water Pollution Control Program, shall review and approve or disapprove the odor control plan.

A. After the APCP receives an odor control plan they shall perform a completeness review. Within thirty (30) days of receipt, the APCP shall notify the facility if the plan contains all the elements of a complete odor control plan. If found incomplete, the APCP shall give the facility a written explanation of the plan's deficiencies.

B. Within sixty (60) days after determining an odor control plan submittal is deemed complete, the APCP shall approve or disapprove the plan. During this sixty (60)-day technical review period, the APCP may request additional information needed for review. If the plan is disapproved, the APCP shall give the facility a written evaluation explaining the reason(s) for disapproval;

3. Not later than March 1, 2001, the facility shall submit to the APCP a written progress report on implementing the odor control plan. The progress report shall, at a minimum, compare the actual schedule of implementation to that approved in the odor control plan; and

4. Not later than January 1, 2002, implementation of the odor control plan shall be complete and controls shall be operational.

(B) Notwithstanding any provision in any other regulation to the contrary, all new Class 1A concentrated animal feeding operations, prior to commencement of construction, shall obtain approval from the APCP of an odor control plan as described above.

(C) After January 1, 2002, no Class 1A concentrated animal feeding operation may cause, permit or allow the emission of odorous matter—

1. In concentrations and frequencies or for durations that the odor can be perceived when one (1) volume of odorous air is diluted with five and four-tenths (5.4) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour. This odor evaluation shall be taken at a site not at the installation and will be used as a screening evaluation. A positive screening evaluation for odor shall require an odor sample to be taken and evaluated by olfactometry as described in paragraph (4)(C)2. of this rule. These measurements may be made with a Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results, as agreed to at the time by the source operator and the staff director; and

2. When one (1) of the following conditions is met:

A. In concentrations with a best estimate detection threshold, represented as $Z_{OL} \geq 110$, as determined using American Society for Testing and Materials Standard E 679-91 (Reapproved 1997) at an olfactometer flow rate of twenty (20) liters per minute; or

B. At intensities greater than that of two hundred twenty-five (225) parts per million of n-butanol odorant in air, which serves as the reference scale, as determined by an olfactometry panel evaluation of a sample of the odorous air.

(D) The director may require an ambient air monitoring quality assurance project plan. This plan shall be approved by the director and include or reference the documented and approved standard operating procedures for monitoring, field collection and analysis for any Class 1A CAFO that exceeds the odor emission limits found in paragraph (4)(C)2. of this rule following implementation of its odor control plan. Monitoring shall be done for pollutants or gases reasonably expected to be emitted by the CAFO and implemented on a schedule as agreed to by the source operator and the staff director. Monitoring shall begin and continue as approved in the plan and shall not exceed eight (8) quarters of complete data unless subsequent violations are determined.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Dec. 26, 1968, effective Jan. 5, 1969. Amended: Filed March 26, 1970, effective April 5, 1970. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003, effective Sept. 30, 2003.*

**Original authority: 643.050, RSMo 1965, amended 1972, transferred from 203.050 in 1986, 1992, 1993, 1995.*

10 CSR 10-2.080 Emission of Visible Air Contaminants From Internal Combustion Engines

(Rescinded November 30, 2002)

AUTHORITY: section 203.050, RSMo 1986. Original rule filed Dec. 26, 1968, effective Jan. 5, 1969. Rescinded: Filed Feb. 28, 2002, effective Nov. 30, 2002.

Op. Atty. Gen. No. 331, Shell, 11-15-71. The state of Missouri has the authority to inspect for "air pollution control devices" which may be installed on motor vehicles as a requirement to comply with applicable emission regulations but whether regulations and inspections would accomplish the purpose of "enforcing compliance with applicable emission standards" which are federal standards and whether the preemption provi-

sion of 42 USCA, Section 1857f-6a has been complied with are questions that only the appropriate federal officials can answer. The Missouri Air Conservation Commission has the authority under Chapter 203, RSMo (1969) to adopt emission control regulations, including limitations on the content of fuels, which will attain and maintain national air quality standards, if the state standards are the same or more stringent.

10 CSR 10-2.090 Incinerators (Rescinded December 9, 1991)

AUTHORITY: section 203.050, RSMo 1986. Original rule filed Dec. 26, 1968, effective Jan. 5, 1964. Amended: Filed Dec. 15, 1982, effective May 12, 1983. Amended: Filed Oct. 13, 1983, effective March 12, 1984. Rescinded: Filed May 20, 1991, effective Dec. 9, 1991.

10 CSR 10-2.100 Open Burning Restrictions

PURPOSE: This regulation prohibits the disposal of refuse by open burning except as provided under specified conditions.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Refuse Burning Restrictions. On and after May 1, 1969 no person may conduct, cause, permit or allow open burning of refuse.

(2) Prohibition of Salvage Operations by Open Burning. On and after ninety (90) days from the effective date of this regulation (June 25, 1975), no person may conduct, cause, permit or allow a salvage operation by open burning.

(3) Restrictions on Open Burning of Trade Wastes. On and after one hundred eighty (180) days (September 25, 1976) from the effective date of this regulation (March 25, 1976), no person may conduct, cause, permit or allow the disposal of trade wastes by open burning.

(4) Exceptions.

(A) Open burning of household refuse originating from a residence of fewer than

five (5) dwelling units shall not be in violation of section (1) of this regulation, provided that the burning takes place on the premises where the refuse originates and provided further that the burning takes place within an area zoned for agricultural purposes and outside that portion of the metropolitan area surrounded by the corporate limits of Kansas City and every contiguous municipality and outside that portion of the metropolitan area surrounded by the corporate limits of St. Joseph.

(B) The open burning of trade wastes and vegetation may be permitted only when it can be shown that open burning is the only feasible method of disposal and that disposal is in the public interest. Any person intending to engage in the open burning shall file a request to do so with the director. The application shall state the following:

1. The name, address and telephone number of the person submitting the application;
2. The type of business or activity involved;
3. A description of the proposed equipment and operating practices, the type, quantity and composition of material to be burned and the expected composition and amount of air contaminants to be released to the atmosphere, where known;
4. The schedule of burning operations;
5. The exact location where the open burning will occur;
6. Reasons why open burning is the only feasible method of disposal and why disposal is in the public interest; and
7. Evidence that the proposed open burning has been approved by the fire control authority which has jurisdiction. Upon approval of the application by the director, the person may proceed with the operation without being in violation of section (1) or (3) of this regulation but this approval shall not exempt the applicant from the provisions of any other law, ordinance or regulation.

(C) An open burning permit may be issued by the director for open burning on a continual basis at a sanitary landfill, demolition landfill, compost plant, transfer station or salvage operation provided that—

1. The sanitary landfill, demolition landfill, compost plant, transfer station or salvage operation has a valid permit issued by the Waste Management Program under the provisions of sections 260.200–260.245, RSMo or is approved for open burning by the director in cases where a Waste Management Program permit is not required;
2. Only tree trunks, tree limbs, vegetation or untreated waste lumber are burned;

3. The open burning will take place at a time of day when atmospheric conditions will permit adequate dispersion of smoke;

4. The distance from the open burning site to the nearest inhabited residence or commercial business is at least two hundred (200) yards or a greater distance as determined by the director to be required to prevent a nuisance;

5. The open burning will not hinder the operation of the installation itself, ignite material other than that specified in paragraph (4)(C)2. or otherwise create a fire hazard;

6. The fire control authority which has jurisdiction approves the method and site of open burning;

7. The owner or operator complies with all applicable laws, regulations and ordinances regulating open burning;

8. The owner or operator submits information to the director prior to the issuance of the permit showing that the conditions of this subsection will be met;

9. The director may place conditions in the permit concerning times, methods and locations of burning in order to prevent air pollution, nuisance conditions or safety hazards;

10. In a nonattainment area, as defined in 10 CSR 10-6.020(2)(N)3., the director shall not issue a permit under this subsection, unless the owner or operator can demonstrate to the satisfaction of the director that the emissions from the open burning of the specified material would be less than the emissions from otherwise processing the specified material; and

11. The permit may be revoked if the owner or operator fails to comply with the provisions of this subsection or any condition of the permit or if a permit issued by the Waste Management Program as specified in paragraph (4)(C)1. is revoked or voided.

(D) This regulation shall not apply to the following:

1. Fires set in connection with agricultural operations related to the growing or harvesting of crops. For the purpose of this regulation, botanical nursery operations shall not be considered as agricultural operations;
2. The burning of gaseous trade wastes in refinery or industrial chemical safety flares. Full smokeless-tip combustion, steam addition or other flare smoke control methods approved by the staff director shall be used and emissions may not be of a shade or density equal to or greater than No. 1 on the Ringelmann Chart, Bureau of Mines Information Circular 8333; and
3. Fires used for recreational purposes or fires used for the noncommercial preparation of food such as by barbecuing.

(E) Within the corporate limits of St. Joseph, the open burning of residential yard waste consisting of leaves and brush from vegetation grown on a residential property is permitted during the following calendar periods and time-of-day restrictions:

1. A three (3)-week period within the period commencing the first day of March through April 30 continuing for twenty-one (21) consecutive calendar days;
2. A three (3)-week period within the period commencing the first day of October through November 30 for twenty-one (21) consecutive calendar days;
3. The burning shall take place only between the daytime hours of 10:00 a.m. and 3:30 p.m.; and
4. The twenty-one (21)-day burning period, in each instance, shall be determined by the Director of Public Health and Welfare of the City of St. Joseph and the state fire marshal for the region in which the City of St. Joseph is located provided, however, the burning period first shall receive the approval of the director.

AUTHORITY: section 203.050, RSMo 1986. Original rule filed Dec. 26, 1968, effective Jan. 5, 1969. Amended: Filed March 2, 1972, effective March 12, 1972. Amended: Filed Feb. 13, 1979, effective July 12, 1979. Amended: Filed Aug. 13, 1982, effective Jan. 13, 1983. Amended: Filed Nov. 9, 1983, effective April 12, 1984.

10 CSR 10-2.110 Approval of Planned Installations Required (Rescinded April 11, 1980)

AUTHORITY: section 203.050, RSMo 1978. Original rule filed Dec. 26, 1968, effective Jan. 5, 1969. Amended: Filed Dec. 27, 1971, effective Jan. 6, 1972. Amended: Filed Aug. 25, 1972, effective Sept. 4, 1972. Amended: Filed Aug. 16, 1977, effective Feb. 11, 1978. Rescinded: Filed Dec. 10, 1979, effective April 11, 1980.

Op. Atty. Gen. No. 218, Shell, 8-21-73. The Missouri Air Conservation Commission does not have the authority under Chapter 203, RSMo to prevent the construction of "complex sources" when it is determined that such sources may indirectly cause ambient air quality standards to be violated.

Op. Atty. Gen. No. 331, Shell, 11-15-71. The Missouri Air Conservation Commission has the authority under Chapter 203, RSMo (1969) to provide for the equivalent of a construction permit system by promulgating regulations to require the submission of plans